

400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
e-mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY
& PRESSER**

RECEIVED
CENTRAL FAX CENTER

SEP 27 2005

Fax

To: Examiner: Jason D. Cardone
Group Art Unit: 2145
Confirmation No.: 1145

From: John S. Sensny, Esq.

Fax: 571-273-8300

Pages: 7 (Including fax cover sheet)

Phone:
SEE BELOW

Date: September 27, 2005

Re: CC

RESPONSE TO RESTRICTION REQUIREMENT

TRANSMITTED HEREWITH:

1. General Transmittal Letter (in duplicate);
2. Response to Restriction Requirement;
3. Authorization to charge IBM Deposit Account No. 09-0457/IBM, if necessary; and
4. Certificate of Transmission by Facsimile dated September 27, 2005.

FOR:

Applicants: Berry A. Cobb, et al.

Serial No.: 09/897,005

Filed: June 29, 2001

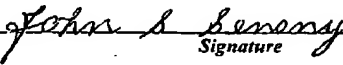
For: "SERVER AVAILABILITY REPORTING USING ASYNCHRONOUS E-MAIL
MESSAGE"

Docket: BLD920010011US1 (14551)


JSS:jy

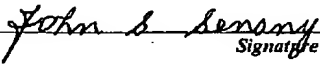
CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Julie @ Ext. 569.

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. BLD920010011US1 (14551)	
In Re Application Of: Berry A. Cobb, et al.					
Application No. 09/897,005	Filing Date June 29, 2001	Examiner Jason D. Cardone	Customer No. 23389	Group Art Unit 2145	Confirmation No. 1145
Title: SERVER AVAILABILITY REPORTING USING ASYNCHRONOUS E-MAIL MESSAGE					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is: RESPONSE TO RESTRICTION REQUIREMENT					
in the above identified application.					
<input checked="" type="checkbox"/> No additional fee is required.					
<input type="checkbox"/> A check in the amount of _____ is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 09-0457/IBM as described below.					
<input type="checkbox"/> Charge the amount of _____					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional fee required.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ Signature			Dated: September 27, 2005		
John S. Sensny Registration No. 28,757 Scully, Scott, Murphy & Presser 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343			<div style="border: 1px solid black; padding: 5px;"><input checked="" type="checkbox"/> hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence</div>		
cc: JSS:jy					

P16A/REV03

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Berry A. Cobb, et al.		Docket No. BLD920010011US1 (14551)	
Application No. 09/897,005	Filing Date June 29, 2001	Examiner Jason D. Cardone	Group Art Unit 2145
Invention: SERVER AVAILABILITY REPORTING USING ASYNCHRONOUS E-MAIL MESSAGE			
<p>I hereby certify that this <u>RESPONSE TO RESTRICTION REQUIREMENT</u> <i>(Identify type of correspondence)</i></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273-8300</u>)</p> <p>on <u>September 27, 2005</u> <i>(Date)</i></p> <div style="text-align: right; margin-top: 100px;"> <u>John S. Sensny</u> <i>(Typed or Printed Name of Person Signing Certificate)</i> <u></u> <i>(Signature)</i> </div>			
<p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. BLD920010011US1 (14551)									
In Re Application Of: Berry A. Cobb, et al.													
Application No. 09/897,005	Filing Date June 29, 2001	Examiner Jason D. Cardone	Customer No. 23389	Group Art Unit 2145	Confirmation No. 1145								
Title: SERVER AVAILABILITY REPORTING USING ASYNCHRONOUS E-MAIL MESSAGE													
<u>COMMISSIONER FOR PATENTS:</u>													
Transmitted herewith is: RESPONSE TO RESTRICTION REQUIREMENT													
in the above identified application.													
<input checked="" type="checkbox"/> No additional fee is required.													
<input type="checkbox"/> A check in the amount of _____ is attached.													
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 09-0457/IBM as described below.													
<input type="checkbox"/> Charge the amount of _____													
<input checked="" type="checkbox"/> Credit any overpayment.													
<input checked="" type="checkbox"/> Charge any additional fee required.													
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.													
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.													
 _____ Signature			Dated: September 27, 2005										
John S. Sensny Registration No. 28,757 Scully, Scott, Murphy & Presser 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on _____</td></tr><tr><td colspan="2" style="text-align: center;">(Date)</td></tr><tr><td colspan="2" style="text-align: center;">_____ Signature of Person Mailing Correspondence</td></tr><tr><td colspan="2" style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</td></tr></table>			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on _____		(Date)		_____ Signature of Person Mailing Correspondence		_____ Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on _____													
(Date)													
_____ Signature of Person Mailing Correspondence													
_____ Typed or Printed Name of Person Mailing Correspondence													
cc: JSS:jy													

P16A/REV03

RECEIVED
CENTRAL FAX CENTER

SEP 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Berry A. Cobb, et al.

Examiner: Jason D. Cardone

Serial No.: 09/897,005

Group Art Unit: 2145

Filed: June 29, 2001

Docket: BLD920010011US1(14551)

For: SERVER AVAILABILITY REPORTING
USING ASYNCHRONOUS E-MAIL MESSAGE

Dated: September 27, 2005

Confirmation No.: 1145

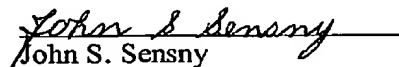
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In an Office Action dated September 7, 2005, the Examiner argued that this application includes three separate groups of claims, and required that the application be restricted to claims directed to one of these three groups.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: September 27, 2005
John S. Sensny

Specifically, the Examiner argued that these separate groups are:


- I. Claims 1-15, which are classified in class 709, subclass 224;
- II. Claims 16 and 17, which are classified in class 714, subclass 4; and
- III. Claims 18 and 19, which are classified in class 709, subclass 223.

The Examiner argued that these groups of claims are related as subcombinations disclosed as usable together in a single combination, but also are distinct from each other because they are separately usable.

Applicants hereby elect Claims 18 and 19 for prosecution in this case. Applicants expressly reserve the right to file a divisional application for claims 1-17.

If the Examiner has any questions about this matter, the Examiner is asked to telephone the undersigned.

Respectfully submitted,


John S. Sensny
Registration No. 28,757
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

JSS:jy